

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

GARLAND MURRAY,
CELESTE MURRAY, and
DESHAWNE TAYLOR,

Plaintiffs,

v.

Civil Action No. 2:13-17383

CRAIG SMITH and
JAMIE SMITH,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Dwane L. Tinsley, United States Magistrate Judge, who has submitted his Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B) .

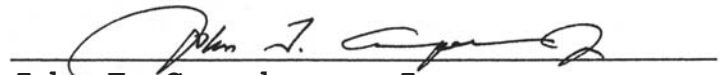
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on August 2, 2013. The magistrate judge recommends dismissal of plaintiff's complaint for lack of subject matter jurisdiction. The magistrate judge further recommends that plaintiff's Application to Proceed Without Prepayment of Fees be denied. The plaintiff has not objected to the Proposed Findings and Recommendation.

The court concludes the recommended disposition is correct. It, is, accordingly, ORDERED that:

1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;
2. Plaintiff's Application to Proceed Without Prepayment of Fees be, and it hereby is, denied; and
3. This action be, and it hereby is, dismissed.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: November 8, 2013


John T. Copenhaver, Jr.
United States District Judge